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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

COUNTY OF POWELL, a political subdivision of the State of Montana, Plaintiff, vs. UNITED STATES OF AMERICA; DEPARTMENT OF THE INTERIOR; NATIONAL PARK SERVICE; and JACQUELINE LAVELLE, in her capacity as Superintendent of the Grant- Kohrs Ranch National Historic Site, ¹ Defendants.	CV 22-21-H-SEH UNITED STATES' ANSWER
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¹ The United States is the only proper party in a suit arising under the Quiet Title Act, 28 U.S.C. §2409a. *See, e.g., Sawtooth Mt. Ranch LLC v. United States*, 2020 WL 184576, at *8 (D. Idaho Jan. 13, 2020)

Defendants United States of America, Department of the Interior, National Park Service, and Jacqueline Lavelle (“United States”) answers Plaintiff’s Complaint as follows. The paragraph numbering below corresponds to the numbering in the Complaint.

1. This paragraph consists of Plaintiff’s characterization of its claims and requires no response. To the extent a response is deemed required, the United States denies the allegation of this paragraph.

2. The allegations of this paragraph consist of legal conclusions to which no response is required. To the extent a response is deemed required, the United States denies the allegations of this paragraph.

3. The allegations of this paragraph consist of legal conclusions to which no response is required. To the extent a response is deemed required, the United States admits the allegations of this paragraph and does not contest venue.

4. The United States lacks sufficient information to form a belief as to the truth of the allegations of this paragraph, and therefore denies them.

5. The United States admits the allegations of this paragraph.

6. The United States admits it owns public lands designated as the Grant-Kohrs National Historic Site, situated adjacent to the City of Deer Lodge. The United States denies the remaining allegations of this paragraph.

7. The United States lacks sufficient information to form a belief as to the truth of the allegations of this paragraph, and therefore denies them.

8. The United States admits Jacqueline Lavelle is presently Superintendent of the Grant-Kohrs National Historic Site. The United States denies the remaining allegations of this paragraph.

9. The allegations of this paragraph consist of legal conclusions to which no response is required. To the extent a response is deemed required, the United States lacks sufficient information to form a belief as to the truth of the allegations of this paragraph, and therefore denies them.

10.-41. To the extent the allegations of these paragraphs consist of legal conclusions and/or purport to characterize documents or exhibits of any kind, the allegations require no response, and the referenced documents speak for themselves. To the extent further response is deemed required, the United States lacks sufficient information to form a belief as to the truth of the allegations of these paragraphs, and therefore denies them.

42.-47. The United States denies the allegations of these paragraphs.

48.-49. To the extent the allegations of these paragraphs consist of legal conclusions and/or purport to characterize documents or exhibits of any kind, the allegations require no response, and the referenced documents speak for

themselves. To the extent further response is deemed required, the United States lacks sufficient information to form a belief as to the truth of the allegations of these paragraphs, and therefore denies them.

50.-51. The United States denies the allegations of these paragraphs.

52. The United States incorporates herein its responses to the preceding paragraphs.

53.-58. The United States denies the allegations of these paragraphs.

The United States denies the allegations of Plaintiff's prayer for relief.

The United States denies each and every allegation of Plaintiff's Complaint to the extent not specifically denied or otherwise addressed above.

AFFIRMATIVE DEFENSES

1. Plaintiff's Complaint fails in whole or in part to state a claim upon which relief can be granted.

2. Plaintiff has failed to exhaust administrative remedies with respect to some or all of its claims.

3. Plaintiff lacks standing to bring some or all of the claims for relief.

4. Plaintiff's claims are barred by the statute of limitations.

The United States reserves the right to plead all other affirmative defenses or any state and/or federal statutes which through discovery may become applicable, and to amend this Answer to amend or withdraw any or all of them.

WHEREFORE, the United States requests that Plaintiff takes nothing by way of the Complaint, that this suit be dismissed with prejudice, and for such other and further relief as the Court deems just and appropriate.

DATED this 27th day of May, 2022.

LEIF M. JOHNSON
United States Attorney

/s/ John M. Newman
Assistant U.S. Attorney
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of May, 2022, a copy of the foregoing document was served on the following person by the following means.

1,2 CM/ECF
 Hand Delivery
 U.S. Mail
 Overnight Delivery Service
 Fax
 E-Mail

1. Clerk of Court

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